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PORTLAND,	OR 97204		DATE MARKED 11/1/2000	_

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/909,576	DENIMARCK ET AL.				
Office Action Summary	Examiner	Art Unit				
	Namrata Boveja	3622				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
 1) Responsive to communication(s) filed on 20 July 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. 						
Disposition of Claims						
4) Claim(s) 1-57 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) 1-57 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or Application Papers 9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) acceedable and applicant may not request that any objection to the or	election requirement. r. epted or b) objected to by the Edrawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/20/01,2/19/03, 2/20/c3	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:					

DETAILED ACTION

1. Claims 1-57 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 7, 10, 16, 19, 23, 24, 26, 27, 29, 30, 32, 39, 42, 43, 45, 46, and 48 are rejected under 102(e) as being anticipated by Ogasawara (Patent Number 6,513,015 hereinafter Ogasawara).

In reference to claim 1, Ogasawara teaches a method of biometrically identifying a customer of a retail establishment facilitate or enhance the customer's shopping experience, comprising: obtaining a biometric profile (includes a biometric characteristic and an identification card) representative of a biometric characteristic customer using a biometric sensing device (video camera) (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figures 1, 4, and 5); retrieving shopping history related information for said customer based on said biometric profile (abstract, col. 3 lines 35-42, col. 4 lines 53-56, col. 5 lines 25-33, col. 6 lines 15-23, col. 7 lines 22-48, and Figures 2-5); providing the customer with one or more items (i.e. coupons, promotions, recommendations) that facilitate or enhance the customer's shopping experience, the

one items based on the shopping history related information (col. 5 lines 28-39, col. 7 lines 22-48, and col. 8 lines 10-17, and col. 13 lines 37-44).

- 3. In reference to claim 2, Ogasawara teaches the method of claim wherein said one or more items include one more manufacturer or retail establishment coupons (col. 7 lines 34-48, and col. 8 lines 10-17, and col. 13 lines 37-44).
- 4. In reference to claim 4, Ogasawara teaches the method wherein said coupons are electronic coupons (col. 13 lines 37-44).
- 5. In reference to claims 5 and 7, Ogasawara teaches the method wherein said one or more items include a personal shopping list (shopping history list) which is an electronic shopping list (col. 13 lines 20-25 and col. 14 lines 10-21).
- 6. In reference to claim 26, Ogasawara teaches the system for biometrically identifying a customer of a retail establishment to facilitate or enhance the customer's shopping experience, comprising: a biometric sensing device (video camera) adapted to convert a biometric characteristic of a customer of the retail establishment into a representative biometric profile (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figures 1, 4, and 5); and a computer (Figures 4-6) coupled to said biometric sensing device and adapted to retrieve shopping history related information for said customer based on said biometric profile (abstract, col. 3 lines 35-42, col. 4 lines 53-56, col. 5 lines 25-33, col. 6 lines 15-23, col. 7 lines 22-48, and Figures 2-5) and provide the customer with one or more items (i.e. coupons, promotions, or recommendations) that facilitate or enhance the customer's shopping experience, the

one or items based on the shopping history related information (col. 5 lines 28-39, col. 7 lines 22-48, and col. 8 lines 10-17, and col. 13 lines 37-44).

- 7. In reference to claims 10 and 46, Ogasawara teaches the method and system wherein the computer is adapted to use and the step of using said personal shopping list and/or said shopping history related information to provide customer relationship management (col. 5 lines 21-39, col. 7 lines 16-48, col. 14 lines 46 to col. 15 lines 3, col. 15 lines 26-30, col. 15 lines 62 to col. 16 lines 17).
- 8. In reference to claims 16 and 39, Ogasawara teaches the method and system wherein said biometric sensing device includes a face recognition device (video camera), and the step of obtaining includes obtaining a biometric profile representative of a customer's facial appearance (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figure 1).
- 9. In reference to claims 19 and 42, Ogasawara teaches the method and system further including the step a pin code entering device for obtaining a pin code (identification number) of the customer (abstract, col. 3 lines 50 to col. 4 lines 10, col. 9 lines 29-41, col. and col. 16 lines 17-67); and said computer adapted to retrieve shopping history related information for said customer based on said pin code and said biometric profile (col. 4 lines 17-45, col. 7 lines 8-21, col. 9 lines 29-41, and col. 16 lines 17-67).
- 10. In reference to claims 23, 24, 43, and 45 Ogasawara teaches the method and system wherein said computer is adapted to retrieve personal information of the customer, the method and system further including said computer adapted to store the

personal information for the customer locally so that it is readily available for processing during checkout from the retail establishment, for processing age-restricted purchases or validating customer identity based at least in part upon a biometric profile of the customer obtained by a biometric sensing device at checkout (i.e. the user information is stored locally so therefore is capable of being processed during checkout and for validating customer identity) (col. 4 lines 1-26, col. 5 lines 17-34, col. 6 lines 61 to col. 7 lines 21).

- 11. In reference to claim 27, Ogasawara teaches the system further including an output device (ID card) adapted to output said one or more items, said one or more items including one or more manufacturer or retail establishment coupons (col. 13 lines 37-44 and col. 8 lines 9-12).
- 12. In reference to claim 29, Ogasawara teaches the system wherein said output device is a wireless transmitter (ID card) and said coupons are electronic coupons (col. 13 lines 37-44 and col. 8 lines 9-12, and lines 27-37).
- 13. In reference to claim 30, Ogasawara teaches the system further including an output device (IC type ID card) adapted to output said one or more items, said one or more items including a personal shopping list (col. 13 lines 20-25).
- 14. In reference to claim 32, Ogasawara teaches the system wherein said output device is an infrared transmitter (ID card that can be a barcode car or barcode tag) (col. 4 lines 34-37) and said personal shopping list is an electronic shopping list (col. 13 lines 20-25 and col. 14 lines 10-21).

15. In reference to claim 48, Ogasawara teaches the system wherein said computer comprises a computer at a customer identification station, a biometric registration station, an attendant station, a backroom server center, or a self-checkout station (col. 7 lines 8-21, col. 8 lines 27-46, col. 14 lines 46 to col. 15 lines 30, col. 16 lines 18-67, and Figures 5-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 16. Claims 3, 6, 12-15, 17, 18, 28, 31, 35-38, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Official Notice.

In reference to claims 3 and 28, Ogasawara teaches the method wherein said coupons are electronic coupons (col. 13 lines 37-44) and an output device comprising a printer (col. 16 lines 56-67). Ogasawara is silent about printing out the coupons using a printer.

Official notice is taken that printing out coupons using a printer is well known to remind customers of what items need to be purchased during a particular shopping trip and in the instance when the customer doesn't need to buy an item right away but would rather wait till it goes on sale so that the customer can further combine the coupon incentive readily available in printed format with the sale price in carrying out a

purchase. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a printer to print out coupons to enhance the customer's shopping experience and to have coupons readily available for the user at the time of purchase. Additionally, since Ogasawara already teaches the coupon in electronic format (col. 13 lines 37-44) and also includes an output device comprising a printer (col. 16 lines 56-67), it would be have been obvious to use the printer to print out the coupon.

17. In reference to claims 6 and 31, Ogasawara teaches the method wherein said personal shopping list is an electronic shopping list (col. 13 lines 20-25 and col. 14 lines 10-21) and an output device is a printer (col. 16 lines 56-67). Ogasawara is silent about printing out the personal shopping list using a printer.

Official notice is taken that printing out the personal shopping list using a printer is well known to remind customers of what items need to be purchased during a particular shopping trip. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a printer to print out the personal shopping list to enhance the customer's shopping experience and to help the customer remember to pick up specific items outlined in the list. Additionally, since Ogasawara already teaches the shopping list in electronic format (col. 13 lines 20-25 and col. 14 lines 10-21) and also includes an output device comprising a printer (col. 16 lines 56-67), it would be have been obvious to print out the shopping list with the printer.

18. In reference to claims 12-15, 17, 18, 35-38, 40, and 41, Ogasawara teaches a biometric sensing device (video camera for face recognition) for obtaining a biometric

profile (customer's facial appearance) of a customer (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figure 1). Ogasawara does not specifically mention the use of a finger print recognition device, a hand geometry recognition device, a handprint recognition device, an iris recognition device, a voice or speech recognition device, or a handwriting recognition device.

Official notice is taken that biometric sensing using a finger print recognition device, a hand geometry recognition device, a handprint recognition device, an iris recognition device, a voice or speech recognition device, or a handwriting recognition device are all well known in the field of biometrics as unique and measurable physical or biological characteristics for confirming user identity and for authorizing access.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use any or all of a finger print recognition device, a hand geometry recognition device, a handprint recognition device, an iris recognition device, a voice or speech recognition device, or a handwriting recognition device to capture unique and measurable physical or biological characteristics for confirming user identity.

19. Claims 8, 9, 33, and 34 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ogasawara in view of Phillips et al (Patent Number 6,912,507 hereinafter Phillips).

In reference to claims 8, 9, 33, and 34, Ogasawara does not teach the method and system wherein said output device adapted to output retail establishment map showing physical locations items of a personal shopping list in the retail establishment and a personal shopping list including location information indicating where a retail

establishment items of a personal shopping list are located. Phillips teaches the method and system wherein said output device adapted to output retail establishment map showing physical locations items of a personal shopping list in the retail establishment (col. 3 lines 3-15, col. 5 lines 30-46, and Figures 7 and 8) and a personal shopping list including location information indicating where a retail establishment items of a personal shopping list are located (col. 5 lines 47-56 and Figure 9). It would have been obvious to modify Ogasawara to include output device adapted to output retail establishment map showing physical locations items of a personal shopping list in the retail establishment and a personal shopping list including location information indicating where a retail establishment items of a personal shopping list are located to enable users to locate products on their own with ease especially when the limited number of customer service representatives become involved with other customers, this would help the customer save time by locating items on his own. Furthermore, some people might prefer to just receive a map instead of talking to a customer service representative on the floor, and this would enable them to locate products quickly without the personal assistance from the representative.

20. Claims 11 and 47 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ogasawara in view of Swartz et al (Patent Number 6,837,436 hereinafter Swartz).

In reference to claims 11 and 47, Ogasawara does not teach the method or system wherein the computer is adapted to use a personal shopping list obtained from said customer for pulling low-touch items of said personal shopping list from shelves of the retail establishment for a customer. Swartz teaches the method or system wherein

the computer is adapted to use a personal shopping list obtained from said customer for pulling low-touch items of said personal shopping list from shelves of the retail establishment for a customer (col. 2 lines 46-53, col. 2 lines 67 to col. 3 lines 8, col. 4 lines 1 to col. 47 lines 16). It would have been obvious to modify Ogasawara to include the method or system wherein the computer is adapted to use a personal shopping list obtained from said customer for pulling low-touch items of said personal shopping list from shelves of the retail establishment for a customer to save the customer time by having the attendant pull out the staple items for the customer instead of having the customer pick out each of the items himself.

21. Claim 25 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Ogasawara in view of Morrison et al (Patent Number 6,52,772 hereinafter Morrison).

In reference to claim 25, Ogasawara teaches the method of obtaining the biometric profile at various locations in a store (col. 17 lines 34-37). Ogasawara is silent about the method of obtaining the biometric profile at a self-checkout system. Morrison teaches the method of obtaining the biometric profile at a self-checkout system (col. 5 lines 24-29 and col. 6 lines 61 to col. 7 lines 9). It would have been obvious to modify Ogasawara to include the method of obtaining the biometric profile at a self-checkout system to ensure to validate the identity of the customer and to prevent somebody else from using a user's credit card for example.

22. With respect to claims 20-22 and 44, Ogasawara is silent about the system and method wherein the computer is adapted to retrieve and deliver the locally stored payment information of the customer for payment processing based at least in part upon

a biometric profile of the customer obtained by a biometric sensing device at checkout. Morrison teaches the computer, which is adapted to retrieve and deliver, stored payment information of the customer for payment processing (smart card with stored amount) (col. 10 lines 21-27) based at least in part upon a biometric profile of the customer obtained by a biometric sensing device at checkout (col. 14 lines 55-64). It would have been obvious to modify Ogasawara to include the computer which is adapted to retrieve and deliver stored payment information of the customer for payment processing based at least in part upon a biometric profile of the customer obtained by a biometric sensing device at checkout to enable customers to checkout quickly without inputting in payment information and to do so securely by having the system validate the customer identity biometrically.

Morrison does not specifically teach the retrieval and delivery of the locally stored payment information. Official notice is taken that storing information locally is well known in the art. For example, when a user opens up a bank account, that local branch maintain a signature card for the user locally until the signature card gets scanned into their central database and becomes accessible to all bank branches after a certain amount of wait period. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store payment information locally instead of on the smart card itself for increased security if the information has not yet been loaded on the central system or if the user chooses to do this.

23. Claims 49 and 50-56 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ogasawara in view of Ng.

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In reference to claim 49, Ogasawara teaches a method of registering a biometric characteristic and identifying a customer, comprising: registering a biometric characteristic of a customer comprising the steps of: obtaining a biometric profile representative of a biometric characteristic of a customer using a biometric sensing device (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figures 1, 4, and 5); obtaining payment information from said customer (smart card with stored amount) (col. 10 lines 21-27); biometrically identifying the customer to facilitate enhance the customer's shopping experience comprising the steps of: obtaining a biometric profile representative of biometric characteristic of a customer using a biometric sensing device (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figures 1, 4, and 5); retrieving shopping history related information for said customer based on said biometric profile (abstract, col. 3 lines 35-42, col. 4 lines 53-56, col. 5 lines 25-33, col. 6 lines 15-23, col. 7 lines 22-48, and Figures 2-5); providing the customer with one more coupons, shopping list that may indicate the physical location of shopping items in the retail establishment, and/or map indicating the physical location of shopping list items in the retail establishment facilitate or enhance the customer's shopping experience (col. 5 lines 28-39, col. 7 lines 22-48, and col. 8 lines 10-17, col. 13 lines 20-25 and 37-44, and col. 14 lines 10-21).

Ogasawara is silent about associating and storing said biometric profile and payment information for said customer. Ng teaches associating and storing said biometric profile and payment information for said customer (abstract and col. 3 paragraph 47 to col. 4 paragraph 55). It would have been obvious to modify Ogasawara

to include associating and storing said biometric profile and payment information for said customer to enable customers to checkout quickly without inputting in payment information and to do so securely by having the system validate the customer identity biometrically at the time of payment.

24. In reference to claim 53, Ogasawara teaches a method of registering a biometric characteristic and identifying a customer, comprising: registering a biometric characteristic of a customer comprising the steps of: obtaining a biometric profile representative of a biometric characteristic of a customer using a biometric sensing device (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figures 1, 4, and 5); obtaining payment information from said customer (smart card with stored amount) (col. 10 lines 21-27); biometrically identifying the customer to facilitate enhance the customer's shopping experience comprising the steps of: obtaining a biometric profile representative of biometric characteristic of a customer using a biometric sensing device (abstract, col. 7 lines 8-21, col. 9 lines 11-28, col. 17 lines 23-37, and Figures 1, 4, and 5); retrieving shopping history related information for said customer based on said biometric profile (abstract, col. 3 lines 35-42, col. 4 lines 53-56, col. 5 lines 25-33, col. 6 lines 15-23, col. 7 lines 22-48, and Figures 2-5); providing the customer with one more coupons, shopping list that may indicate the physical location of shopping items in the retail establishment, and/or map indicating the physical location of shopping list items in the retail establishment facilitate or enhance the customer's shopping experience (col. 5 lines 28-39, col. 7 lines 22-48, and col. 8 lines 10-17, col. 13 lines 20-25 and 37-44, and col. 14 lines 10-21).

Ogasawara is silent about associating and storing said biometric profile and payment information for said customer; biometrically checking out of the retail establishment comprising the steps of: obtaining a biometric profile representative of a biometric characteristic of the customer using a biometric sensing device; retrieving payment information for said customer based on said biometric profile; and paying for one or more items using said payment information.

Ng teaches associating and storing said biometric profile and payment information for said customer (abstract and col. 3 paragraph 47 to col. 4 paragraph 55); biometrically checking out of the retail establishment comprising the steps of: obtaining a biometric profile representative of a biometric characteristic of the customer using a biometric sensing device (user's cell phone for speaking a phrase that can be used as voice pattern recognition for example) (col. 3 paragraph 47); retrieving payment information for said customer based on said biometric profile (abstract and col. 3 paragraph 47 to col. 4 paragraph 55); and paying for one or more items using said payment information (col. 3 paragraph 47 to col. 4 paragraph 55).

It would have been obvious to modify Ogasawara to include associating and storing said biometric profile and payment information and biometrically checking out the customer to enable customers to checkout quickly without inputting in payment information and to do so securely by having the system validate the customer identity biometrically at the time of payment. Furthermore this information could be communicated with the retail staff when a customer checks out of a store, so that the

retail staff don't look for that customer on the floor and can stay focused on those customers who are actually present in the store.

- 25. In reference to claims 50-52 and 54-56, Ogasawara teaches the method wherein registering a biometric characteristic of customer occurs at a biometric registration station or a customer service center, identifying the customer occurs at customer identification station, and registering biometric characteristic of a customer and biometrically identifying the customer occurs at the same station (col. 4 lines 34-52 and col. 16 lines 18-67).
- 26. With respect to claim 57, Ogasawara teaches the method of checking out of the retail establishment occurring at a self-checkout system (col. 17 lines 1-22).

 Ogasawara does not specifically say that the checkout is done with a customer ID alone or in combination with a biometric characteristic (visual image). Official notice is taken that is well known in the art to utilize a biometric characteristic in combination with a customer ID card to associate a number with a face. For example, when a user enters or exits a store and is carrying an ID card, and this information coupled with a visual image of the user is sent to various locations on the shopping floor for easy identification by sales people for product targeting. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to checkout of the retail establishment biometrically at a self-checkout system.

 Furthermore, Osagawara already does this by taking a picture at entry, and the same technology could be used to accomplish this at exit as well to increase user satisfaction.

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Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure include the following.

- a) Fenn. "The Check Is in the Air: The Future of Payment." Gartner

 Advisory Research and Advisory Services. April 2, 2001. Teaches

 nontraditional payment schemes facilitated by mobile technology.
- b) Giordano International Publication Number WO 00/49551. Teaches a system and method for processing financial transactions.
- c) Symbol Technologies International Application Number PCT/US
 02/22145. Teaches a portable shopping and order fulfillment system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is **571**-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 1866-217-9197 (toll-free).

NB

November 8th, 2005

PRIMARY EXAMINER

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